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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/579,739	12/28/1995	YUJI SAKAEGI	35.C11122	4617

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FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

QUIETT, CARRAMAH J

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

08/579,739

Applicant(s)

SAKAEGI, YUJI

Examiner

Carramah J. Quiett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 1995 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 22-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claims 22-27 are objected to because of the following informalities:

Each of claims 22 and 24, recites the inter alia, "...if *it* is determined that the switch is turned on by the user or the computer," in the power control unit paragraph. What is "*it*"? Appropriate correction is required.

Claims 23 and 26, each recite, "A peripheral apparatus according to Claim 22". Claims 23 and 26 are dependent from Claim 22. The preamble to claims 23 and 26 should be "The peripheral apparatus..." Appropriate correction is required.

Claims 25 and 27, each recite, "A method used in a peripheral apparatus according to Claim 24". Claims 25 and 27 are dependent from Claim 22. The preamble to claims 25 and 27 should be "The method used in the peripheral apparatus..." Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. **Claims 22-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hicks (#5,594,672) in view of Aoki (#5,438,359).

For **claim 22**, Hicks discloses (fig. 1) a peripheral apparatus (2 and 17), which is connectable to a computer (fig. 3a, 39/49), the peripheral apparatus comprising:

a switch (power-up state/is the printer ready), which is turned on by a user or the computer (col. 4, lines 50-67; col. 5, lines 49-64);

a control unit (fig. 1, ref. 17), which controls the peripheral apparatus; and

a power control unit (fig. 1, ref. 17), which determines whether or not the switch is turned on by the user or the computer (col. 5, lines 49-64), and which starts supplying power to the peripheral apparatus to the control unit if it is determined that the switch is turned on by the user or the computer (col. 4, line 50 – col. 5, line 64),

wherein the control unit determines whether or not a predetermined request (printer-ready signal) is received from the computer if it is determined that the switch is turned on by the computer (col. 4, line 50 – col. 5, line 48);

wherein if the switch is turned on by the computer, and the control unit then determines that the predetermined request is received from the computer, the control unit controls the peripheral apparatus to operate as a peripheral apparatus for the computer (col. 4, line 50 – col. 5, line 48), and

wherein if the switch is turned on by the computer, and the control unit then determines that the predetermined request is not received from the computer, the control unit controls the

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power control unit so as to avoid supplying power to the control unit for a predetermined time (col. 4, line 50 – col. 5, line 64; figs. 6b & 6c, refs. 197 and 201), and

wherein after the predetermined time is elapsed, the power control unit determines again whether or not the switch is turned on by the user or the computer (col. 5, lines 49-64).

In col. 4, line 66 – col. 5, line 2, Hicks teaches that the peripheral device can be a printer or *other device*. In other words, peripheral devices other than printers can also be used with computers. However, Hicks does not expressly teach supplying power from a battery connected to the peripheral apparatus.

In a similar field of endeavor, Aoki teach supplying power from a battery (ref. 16) connected to the peripheral apparatus (fig. 3, ref 1). Please read Aoki, col. 4, lines 4-20. The host computer of Hicks and the electronic camera of Aoki are reasonably pertinent to solving the problem of allowing a user to transmit image data to and receiving image data from the computer from the camera allowing greater processing capability as well as the opportunity to store a large number of images (Aoki, col. 1 line 23 - col. 2 line 30). Since Hicks specifically discloses that computers may be used with different types of peripheral devices, and Aoki discloses that it is advantageous to use cameras along with computers, it would have been obvious to one of ordinary skill in the art to supply power from a battery connected to the peripheral apparatus in the power saving system disclosed by Hicks.

For **claim 26**, Hicks, as modified by Aoki, teaches that a peripheral apparatus, wherein the peripheral apparatus operates as an electronic camera (Aoki, fig. 3, ref. 1; col. 4, lines 4-20) if the switch is turned on by the user (Hicks, col. 4, line 66 – col. 5, line 2).

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Regarding **claims 24 and 27**, these claims are method claims corresponding to the apparatus claims 22 and 26, respectively. Therefore, method claims 24 and 27 are analyzed and rejected as previously discussed with respect to claims 22 and 26, respectively.

For **claim 23**, Hicks, as modified by Aoki, teaches a peripheral apparatus, wherein if the switch is turned on by the user, the control unit controls the peripheral apparatus to operate as a standalone device (Hicks, col. 4, line 66 – col. 5, line 2; Aoki, col. 4, lines 4-20).

Regarding **claim 25**, this claim is a method claim corresponding to the apparatus claim 23. Therefore, method claim 25 is analyzed and rejected as previously discussed with respect to claim 23.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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CJQ

March 3, 2007

A handwritten signature in black ink, appearing to read 'Lin Ye', with a stylized, flowing script.

LIN YE
PRIMARY PATENT EXAMINER